

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE:	:	CHAPTER 11 – Judge Diehl
	:	
EDWARD BYRON SLAUGHTER, LLC,	:	CASE NO. 13-42906-MGD
E. BYRON SLAUGHTER, LLC;	:	CASE NO. 13-42907-MGD
APEX LOCATORS, LLC;	:	CASE NO. 13-42908-MGD
CHAPEL HEIGHTS, LLC; and	:	CASE NO. 13-42909-MGD
ROLLING HILLS PLAZA, LLC;	:	CASE NO. 13-42910-MGD
	:	
DEBTORS.	:	Jointly Administered Under
	:	Case No. 13-42906-MGD

**UNITED STATES TRUSTEE’S MOTION TO CONVERT OR DISMISS CASE
AND FOR STATUS CONFERENCE**

COMES NOW Guy G. Gebhardt, Acting United States Trustee for Region 21 (“United States Trustee”), pursuant to 28 U.S.C. § 586(a)(3) and 11 U.S.C. § 1112(b)(4)(J) and respectfully moves this Court: (i) to convert this Chapter 11 case to a case under Chapter 7 or, in the alternative, to dismiss this case and (ii) for a case status conference. In support of this motion, the United States Trustee shows the Court as follows:

1. On October 5, 2013, Edward Byron Slaughter; E. Byron Slaughter, LLC; Apex Locators, LLC; Chapel Heights, LLC; and Rolling Hills Plaza, LLC filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Georgia, Rome Division (collectively, the “Debtors”).

2. On October 7, 2013, the Debtors filed motions requesting that the Court jointly administer the Debtors’ cases, pursuant to Federal Rule of Bankruptcy Procedure 1015(b). (Dkt. Entry No. 6).

3. Edward Byron Slaughter (“Mr. Slaughter”) is the manager, sole member, and sole officer of the Debtors (Dkt. Entry No. 6).

4. On October 9, 2013, the Court granted Debtors’ motions, and consolidated the cases for joint administration, with the case of Edward Byron Slaughter serving as the lead case (Dkt. Entry No. 9).

5. To date, the Debtors have not filed a plan or disclosure statement.

6. Pursuant to the Bankruptcy Code, a court shall convert or dismiss a chapter 11 petition for cause. 11 U.S.C. § 1112(b).

7. 11 U.S.C. § 1112(b), in pertinent part, provides as follows:

[T]he court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, if the movant establishes cause . . .

(4) For purposes of this subsection, the term “cause” includes –

(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court.

8. Because the Debtors have failed to file a plan, it is not clear on what basis they can formulate a reasonable plan or demonstrate a reasonable likelihood of rehabilitation.

REQUEST FOR STATUS CONFERENCE

9. After more than 640 days since filing for bankruptcy, the Debtors have failed to file a disclosure statement and file or confirm a plan. If the Debtors do not file a plan, the United States Trustee cannot determine whether the Debtors will, at any point, be able to support a plan.

10. The United States Trustee requests that the Court schedule a status conference in this case. A status conference is necessary for the United States Trustee, Debtor, and parties in the case to update the Court as to where matters stand pertaining to the Debtor's failure to file a plan and a disclosure statement.

WHEREFORE, the United States Trustee respectfully requests that this Court: (i) schedule a status conference in this case; (ii) convert this chapter 11 case to a chapter 7 case, or in the alternative, dismiss this case; and (iii) grant such other relief as is necessary and appropriate.

GUY G. GEBHARDT
ACTING UNITED STATES TRUSTEE, REGION 21

s/ Martin P. Ochs
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	:	
DEBTORS.	:	Jointly Administered Under
	:	Case No. 13-42906-MGD

**NOTICE OF HEARING ON UNITED STATES TRUSTEE’S MOTION TO CONVERT
OR DISMISS CASE AND FOR STATUS CONFERENCE**

PLEASE TAKE NOTICE that the United States Trustee has filed a Motion to Convert or Dismiss and for Status Conference the debtor’s bankruptcy case.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the United States Trustee’s Motion to Convert or Dismiss Case and for Status Conference at **9:25 a.m., on August 19, 2015, in Courtroom 342, United States Bankruptcy Court, 600 East First Street, Rome, Georgia 30161.**

Your rights may be affected by the court’s ruling on this motion. You should read this motion carefully and discuss it with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in this motion or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the motion with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk’s Office is: **Clerk, Room 339,**

Federal Building, 600 East First Street, Rome, Georgia 30161-3187. You must also mail a copy of your response to the undersigned.

Dated: July 9, 2015

s/ Martin P. Ochs
Martin P. Ochs
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CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2015, I served a copy of this Notice of Hearing and Motion to Convert Chapter 11 case to Chapter 7, or in the alternative to dismiss this case, and for Status Conference, by United States Mail, with adequate postage to ensure delivery to:

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